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Elections to fill vacancies in subsidiary organs and other elections: election of fourteen members of the Human Rights Council

Letter dated 22 February 2010 from the Permanent Representative of Thailand to the United Nations addressed to the President of the General Assembly

It gives me great pleasure to inform you that the Royal Thai Government has decided to present its candidature for membership in the Human Rights Council for the term 2010-2013 at the elections to be held on 13 May 2010 in New York.

In this regard, the Royal Thai Government has the honour to submit herewith Thailand's voluntary pledges and commitments to the promotion and protection of human rights in accordance with General Assembly resolution 60/251. I should be grateful if the present letter and its annex could be circulated as a document of the Assembly.

(*Signed*) Norachit **Sinhaseni**
Ambassador
Permanent Representative

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Annex to the letter dated 22 February 2010 from the Permanent Representative of Thailand to the United Nations addressed to the President of the General Assembly

Thailand's commitments, voluntary pledges and contributions to the promotion and protection of human rights: election to the Human Rights Council for the term 2010-2013

1. Thailand seeks its first-time membership in the Human Rights Council for the term 2010-2013. On this occasion, the Royal Thai Government would like to present information on its pledges, commitments and contributions to human rights, as follows:

A. Thailand's commitments and pledges

2. As a member of the Human Rights Council in the period 2010-2013, Thailand is committed to advancing the cause of human rights at the national, regional and international levels.

3. At the national level, Thailand will:

- Strengthen efforts to promote and protect human rights through, inter alia, supporting the work of the National Human Rights Commission of Thailand, which is committed to fully exercising its power under the Constitution to advance the cause of human rights in the country while fully retaining its independent status.
- Strengthen the implementation of all human-rights-related legislation and policies and expedite the review and amendment of various pieces of legislation that contain discriminatory elements, in particular those concerning the rights of vulnerable groups, the elimination of violence against women and children, the equal status of persons with disabilities and the basic rights of marginalized groups.
- Strengthen law enforcement in line with international human rights standards and norms, particularly through the promotion of human rights education and training among law enforcement officers and security personnel.
- Promote human rights education in all types of education and at all levels both in schools and in higher academic institutions, in accordance with the World Programme for Human Rights Education and its plan of action.
- Strengthen the justice system and the rule of law to ensure fairness and non-discrimination while preventing impunity.
- Continue to strengthen interfaith dialogue, emphasizing respect for diversity and enhancement of reconciliation, cooperation and social harmony.
- Strengthen efforts to promote and protect the basic rights of the poor, particularly the right to health, to education and to equal access to justice, as well as their community rights.
- Strengthen the implementation of the National Action Plan on Human Rights and the effectiveness of its monitoring mechanism and follow-up processes.

- Continue active engagement and dialogue with civil society and encourage public participation to enhance human rights and promote a democratic environment in the country.
- Expedite efforts towards the withdrawal of the country's reservations in respect of the Convention on the Elimination of All Forms of Discrimination against Women and the International Covenant on Civil and Political Rights.
- Pursue feasibility studies and other efforts towards becoming a party to the International Convention for the Protection of All Persons from Enforced Disappearance.
- Pursue feasibility studies and other efforts towards becoming a party to relevant conventions of the International Labour Organization (ILO), in particular Convention No. 87 concerning Freedom of Association and Protection of the Right to Organise, Convention No. 98 concerning the Right to Organise and Collective Bargaining and Convention No. 111 concerning Discrimination in respect of Employment and Occupation.
- Cooperate and work closely with United Nations treaty bodies and intensify efforts to implement their recommendations and ensure the timely submission of national reports under the human rights instruments to which Thailand is a party.

4. At the regional level, Thailand will:

- Strengthen its active contribution to the development of the Intergovernmental Commission on Human Rights of the Association of Southeast Asian Nations (ASEAN) and the ASEAN Commission on the Promotion and Protection of the Rights of Women and Children to effectively promote and protect the human rights of people in the ASEAN region.
- Promote regional dialogue and cooperation for the promotion and protection of human rights through various relevant forums.
- Raise awareness of the principles and importance of human security.
- Strengthen its cooperation with neighbouring countries to combat human trafficking and human smuggling, in particular their impacts on vulnerable groups, and continue to offer technical assistance in building capacities of Governments in the region to promote and protect the rights of persons with disabilities.

5. At the international level, Thailand will:

- Remain actively and constructively engaged in the work of the Human Rights Council and support the fulfilment of its mandate and functions, in particular through its mechanisms for assisting States to advance the cause of human rights; addressing gross violations of human rights in a non-selective manner; raising public awareness of human rights; and promoting human rights worldwide.
- Continue constructive dialogue on human rights issues with all countries in the various forums of the United Nations, in a spirit of cooperation and mutual respect.

- Support the universal periodic review so that it becomes an effective mechanism for improving human rights situations on the ground.
- Engage constructively and work closely with the Human Rights Council in respect of its special procedures.
- Continue to cooperate with all countries to promote and protect the rights of women, children and persons with disabilities in compliance with relevant international instruments.
- Continue to promote gender equality and to cooperate with all relevant stakeholders to combat violence against women in all its forms, including human trafficking, sexual discrimination and discrimination against women prisoners.
- Foster and support international dialogue on democracy, human security and interfaith and intercultural dialogue to increase understanding, tolerance and reconciliation among faiths, cultures and traditions; and continue to foster the global partnership for development, building on Thailand's role in various bilateral, subregional and regional cooperation frameworks, with a view to promoting the realization of the right to development beyond Thailand.

B. Thailand's contributions on human rights

1. Freedom and liberty: core values enshrined in the Constitution

6. Thailand has a rich history as a land of freedom and has always embraced the value of diversity. Thailand was among the first 48 countries to endorse the Universal Declaration of Human Rights on 10 December 1948. The Royal Thai Government respects freedom and liberty of the people and has striven to promote and protect human rights as stipulated in the Universal Declaration of Human Rights. This is evident in the 2007 Constitution, which contains the principles of the Universal Declaration, of the International Covenant on Civil and Political Rights and of the International Covenant on Economic, Social and Cultural Rights.

7. The Constitution enshrines human dignity as well as the rights and liberties of people. It ensures that people are equal before the law and shall enjoy equal protection under the law. Indeed, it specifies that "Unjust discrimination against a person on the grounds of difference in origin, race, language, sex, age, disability, physical or health condition, personal status, economic or social standing, religious belief, education or constitutional political view, shall not be permitted". It also guarantees that the exercise of State power must be undertaken with regard to human dignity and the rights and liberties of people. The provision on rights and liberties in the Constitution can be directly invoked to bring a lawsuit in case of human rights violations.

2. Human rights: national agenda of the Royal Thai Government

8. The Royal Thai Government has declared human rights as one of the top priorities on its national agenda, to be pursued vigorously and seriously to ensure that justice, non-discrimination and fair treatment under the rule of law will be accorded to all groups of people. This policy of the Royal Thai Government has created an environment conducive to the promotion and protection of human rights

in the country. It provides clear guidance for all relevant officials to undertake their duties to promote and protect the rights of people.

9. In pursuing Thailand's human rights policy, the Government has actively promoted human rights education, in particular during the sixtieth anniversary of the Universal Declaration of Human Rights and the International Year of Human Rights Learning. One notable project is the "Thailand Human Rights Caravan", an initiative developed jointly by Thailand and the United Nations country team to promote and disseminate knowledge about human rights among the general public, especially children in schools across the country.

10. Human rights education for law enforcement officers has also been promoted. Several human rights training activities have been organized for the armed forces and police academy focusing on how to translate international human rights obligations into more effective implementation in the context of security operations. In 2009, the Royal Thai Army, for the first time, developed a human rights manual and human rights soldier cards to be distributed to armed forces personnel.

3. Democracy: a political and social order for the realization of human rights

11. The Royal Thai Government has a strong commitment to democratic values, in the firm belief that a democratic system can best ensure the people's rights and freedoms. The Government is enhancing a democratic environment based on the principles of the rule of law, transparency, accountability, good governance and public participation, and on the enforcement of laws on the basis of equality, justice, righteousness and universally accepted norms. Equal treatment and reconciliation of opposing views is also high on the national agenda. Political differences are normal and tolerated as long as they are under the rule of law. With such democratic development, the Thai people are assured that they can attain the full enjoyment of their rights and freedoms in society without any discrimination.

12. Internationally, Thailand is among the founding members of the Asia Pacific Democracy Partnership and continues to participate in the Community of Democracies, underlining that democracy is not only about elections but also about the real participation of the people. We focus on education and on cultivating a culture of democracy to ensure that democratic development will be advanced by the people themselves.

4. National mechanisms: avenues for protecting and redressing human rights violations

13. The National Human Rights Commission of Thailand was set up under the 1997 Constitution as an independent mechanism, comprised of representatives of civil society and the public sector, to proactively monitor and protect human rights. The Commission's main duty is to examine and report to the Government the commission or omission of acts, in both the public and the private sectors, which violate human rights or which do not comply with obligations under the international human rights instruments to which Thailand is a party, and to promote education and the dissemination of knowledge on human rights.

14. In order to strengthen the Commission's work, the 2007 Constitution has given the Commission additional mandates for the protection of human rights: the power to submit cases to the Constitutional Court and the Administrative Court when it is

found that the provisions of any law, rule, order or administrative act are detrimental to human rights, and the power to bring cases to the Court of Justice on behalf of victims of human rights violations.

15. To ensure that the Commission's reports and its recommendations regarding cases of human rights violations will be pursued seriously, in February 2009, the Prime Minister appointed a Committee, chaired by the Minister Attached to the Prime Minister's Office to follow up on reported cases and to ensure that assistance is being provided to the victims. The Committee also has the function of following up on implementation by the relevant agencies of the Commission's recommendations.

16. The National Committee on Human Rights Policy and Plan of Action is being set up to monitor and follow up on the National Human Rights Plan to ensure that each agency concerned has pursued actions to promote and protect human rights in accordance with the Plan.

17. Parliamentary mechanisms on human rights include the Parliamentary Committee on Justice and Human Rights, which conducts investigations, examinations and hearings on issues related to human rights violations and the protection of community rights in the justice system; and the Parliamentary Committee on Vulnerable Groups, which conducts investigations and studies to enhance the rights and welfare of children, youth, women, older persons and persons with disabilities.

18. The Rights and Liberties Protection Department under the Ministry of Justice serves to protect the rights and liberties of the people, promote awareness of individual rights and redress human rights violations by providing protection, assistance and remedies to witnesses, victims and defendants in criminal cases. The Department also provides legal counselling, advises people on how to claim their rights, receives complaints and coordinates assistance to victims of human rights violations.

19. The Office of International Peoples' Rights Protection was established in 2006 under the Office of the Attorney General. It acts as a legal aid clinic by providing legal services, including legal advice, dissemination of legal knowledge, protection of civil rights and settlement of disputes both to Thai nationals and to foreigners.

20. The Administrative Court, established under the 1997 Constitution, is legally empowered to adjudicate cases of disputes between Government agencies and private individuals or among State officials themselves. This judicial mechanism helps to prevent and protect the rights of people from being abused through the exercise of administrative power.

21. The Constitutional Court, established under the 1997 Constitution, was given an additional mandate under the 2007 Constitution to make decisions, based on petitions submitted by the National Human Rights Commission or individual victims of human rights violations, as to whether any existing law contains articles that have adverse impacts on human rights and are contrary to or inconsistent with the Constitution.

22. The Office of the Ombudsman was set up under the 1997 Constitution to protect public interests from being abused by State agencies that fail to perform in compliance with the law or whose activities exceed the scope of their powers and

duties as provided by law. The Ombudsman investigates and makes inquiries into complaints through fact-finding and the results of investigations are published in the Government Gazette and disclosed to the public. In some specific cases, the Ombudsman can also submit cases to the Constitutional Court or the Administrative Court.

5. Thailand: a State party to most of the core international human rights instruments

23. Thailand is now party to seven core international human rights instruments, namely:

International Covenant on Civil and Political Rights

International Covenant on Economic, Social and Cultural Rights

Convention on the Elimination of All Forms of Discrimination against Women and its Optional Protocol

Convention on the Rights of the Child and its two Optional Protocols on the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography

Convention on the Elimination of All Forms of Racial Discrimination

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

Convention on the Rights of Persons with Disabilities

6. National plans: mainstreaming and integration of human rights

24. As human rights are indeed universal, interrelated and interdependent, Thailand attaches equal importance to all rights, be they civil and political rights, economic rights or social and cultural rights. This includes the Government's priority to enhance the right to development, through which people can be empowered and equipped to meet their basic needs to live a decent life. Bearing in mind that human rights are cross-cutting issues that serve as the basis for social progress and people's well-being, the Royal Thai Government has mainstreamed human rights into various national plans that place human beings at the centre of development, for example:

(a) The tenth National Economic and Social Development Plan (2007-2011). The Plan has provided guiding policy for sustainable development by taking into account human development, human dignity and community rights;

(b) The National Security Policy (2007-2011). The Policy places great importance on the rule of law, non-discrimination, human rights and peaceful methods of achieving national security. It also promotes solidarity and understanding between people of different religions and backgrounds;

(c) The Second National Plan of Action on Human Rights (2009-2013). The Plan of Action, which was formulated through nationwide consultations among all stakeholders including civil society, aims to enhance human dignity and strengthen human rights networks through increased human rights awareness at all levels.

7. Legal and policy frameworks: special attention to vulnerable groups

25. Thailand is strongly committed to the fulfilment of its obligations under the international human rights instruments to which it is a party, through the establishment of various legal and policy frameworks with a particular focus on the rights of vulnerable groups, as described below.

Children

26. With regard to children:

(a) The Criminal Code Amendment Act (No. 16), 2003, stipulates that children under 18 shall not be sentenced to death or life imprisonment;

(b) The Criminal Code Amendment Act (No. 21), 2008, increases the age of children who shall not be punished for an offence from not yet over 7 years to 10 years of age; children above 10 years but not yet over 15 years of age shall not be punished for an offence but shall be reprimanded by the court; and for children above 15 but not yet over 18 years of age having committed an offence, if the court passes judgement inflicting punishment, the scale of punishment shall be reduced by one half;

(c) The Child Protection Act, 2003, aims to provide protection for children from all forms of abuse, exploitation, violence and gross negligence by clearly stipulating that any child below the age of 18 shall be protected by the State;

(d) The Promotion of Child and Youth Development Act, 2007, contributes directly to the promotion of programmes and activities for children and youth at all levels;

(e) The Labour Protection Act, 1998, increases the statutory minimum age for employment from 13 to 15 years of age to ensure that children remain in school longer and to prevent their early entry into the labour market. Employment of a child below the age of 15 is considered illegal. The Act also prohibits employment of a person below the age of 16 in the sea fishing industry and protects the rights of the child in accordance with the six ILO conventions and instruments concerning child labour to which Thailand is a party.

27. The Royal Thai Government is also fully committed to ensuring children's rights and welfare in a manner consistent with the collective vision of "A world fit for children". The National Agenda for Children and Youth was announced in 2007 to implement this noble vision. Various measures to promote and protect children throughout the country and to ensure their development have already been put in place so that they can grow up in a safe and promising environment and become productive members of society.

Women

28. With regard to women:

(a) The Civil Code Amendment Act (No. 16), 2007, provides women with equal rights to file claims for divorce and compensation;

(b) The Name Act B.E. 2548 (2005 Amendment) allows married women to choose whether to take the surname of their husband or to retain their original surname;

(c) The Female Title Act, 2008, allows married or divorced women to choose titles as Miss or Mrs.;

(d) The Domestic Violence Act, 2007, establishes the definition of domestic violence and provides compensation and rehabilitation for victims and contains provisions to protect victims from domestic violence;

(e) The Criminal Code Amendment Act (No. 19), 2007, expands the definition of rape to cover people of all sexes and all types of sexual penetration, criminalizes marital rape and imposes more severe penalties on offenders who engage in all forms of rape and sexual abuses;

(f) The Criminal Procedure Code Amendment Act, 2007, suspends an imprisonment sentence imposed on an offender who is pregnant or raising a child under the age of 3 and confines pregnant offenders or offenders with children under the age of 3 in a suitable place other than prisons during a period of suspension;

(g) The Labour Protection Act, 2008, guarantees equal standards of working conditions, benefits, welfare, wages and job promotion for female employees. It also stipulates the prohibition of sexual exploitation in the workplace.

29. In addition, the Ministry of Social Development and Human Security has proposed a draft Gender Equality Bill to eliminate any discrimination on the grounds of sexual orientation. Currently the Bill is under consideration by the Council of State.

30. Gender equality and empowerment of women are also the focus of the National Plan on Women's Development (2007-2011), which aims to promote opportunities for women to fully participate in the development process at all levels. The Plan also strives to promote and protect the rights and welfare of women in line with the obligations assumed under the Convention on the Elimination of All Forms of Discrimination against Women, the Declaration on the Elimination of Violence against Women, the Beijing Platform for Action and the Millennium Development Goals.

31. One notable activity to counter violence and discrimination against women is the Enhancing Lives of Female Inmates initiative under the guidance of Her Royal Highness Princess Bajrakitiyabha Mahidol. The initiative aims to bring the treatment of women prisoners up to international standards by proposing the draft United Nations rules for the treatment of women prisoners and non-custodial measures for women offenders. This initiative envisages the formulation and revision of prison and correctional management policies worldwide for the treatment of women prisoners to ensure that gender sensitivity and the specific needs of women in prisons are fully respected. It is hoped that, with the adoption of the draft United Nations rules, women prisoners not only in Thailand but also in correctional facilities around the world could benefit from this initiative.

Persons with disabilities

32. With regard to persons with disabilities:

(a) The Persons with Disabilities Empowerment Act, 2007, is a comprehensive rights-based law for persons with disabilities and contains strong anti-discrimination provisions;

(b) The Persons with Disabilities Education Act, 2008, is intended for persons with disabilities to be able to access education services and other resources at all levels and to improve the Thai educational system to enhance their quality of life and independent living through empowerment;

(c) The Third National Plan on Quality of Life Development of Persons with Disabilities 2007-2011 comprises an integrated approach and guidelines on disability and development practice for all authorities concerned;

(d) The Mental Health Act, 2008, aims to protect the rights of persons with mental health conditions, for example by providing them access to health care and enabling them to participate in society with their full capacity.

33. The draft Ministerial Regulations, Measures and Conditions on Promotion of Information Service, Communication Service, Telecommunication and ICT Accessibility, all forms of related Assistive Devices and Public or Private Funded Media Service for Persons with Disabilities, is being proposed by the Ministry of Communication and Information Technology for the consideration of the Cabinet. The draft Ministerial Regulations are aimed at providing access to information and ICT services as stipulated in the Persons with Disabilities Empowerment Act.

34. Thailand was actively involved in the drafting of the Convention on the Rights of Persons with Disabilities at the outset of that process. It was among the first countries that signed the Convention on the date that it was opened for signature. Certain laws and policies related to the equalization of opportunities for persons with disabilities have been put in place while various pieces of legislation in the country are still under review. Those that still contain elements of discrimination against persons with disabilities will be pushed forward for amendments. A subcommittee on the promotion and support of the Convention has also been set up to formulate and evaluate policies and programmes to carry out the objectives of the Convention, while social awareness of the Convention has been enhanced to promote and protect the human rights and fundamental freedoms of all persons with disabilities.

The elderly

35. The Older Persons Act, 2003, stipulates that the elderly shall be entitled to protection, promotion and support in various areas, including social welfare, medical services, education, occupation or occupational training, social activity, facilitation, assistance and subsistence allowances. The Elderly Fund has been established under the Act to support its implementation. Fund resources have been allocated to various projects, such as community activities for the elderly, the work of civil society regarding older persons, financial support for housing for the elderly and assistance for elderly victims of any forms of human rights violations.

36. The Second National Plan for Older Persons (2002-2012) provides guidelines for agencies looking to develop and implement support activities for older persons. The Plan consists of five broad strategies: preparation for quality of life in old age; promotion of older persons' well-being; social protection for older persons; national management and personnel development for geriatric workers; and research on the elderly and monitoring and evaluation of implementation of the Plan.

37. The National Commission on the Elderly, chaired by the Prime Minister, has been established to follow up on the implementation of the National Plan and to

oversee policies and measures regarding older persons. In 2009, the Government successfully initiated and implemented a universal monthly subsistence allowance scheme, from which 3.5 million elderly who have no pension can benefit to sustain their well-being.

Migrants

38. With regard to migrants:

(a) The Labour Protection Act, 2008, guarantees registered migrants the same rights as Thai workers, which include a minimum wage equal to that of Thai workers, holidays, sick leave from work, overtime wages, clean accommodation, basic health insurance and basic education for their children;

(b) The Employment of Aliens Act, 2008, ensures that all migrant workers whose status has been regularized through country-wide registration processes administered by the Ministry of the Interior and the Ministry of Labour will receive the same welfare and labour protection entitlements as those of Thai workers in accordance with the Labour Protection Act and the Social Security Act. The Act also imposes heavier penalties on employers who engage in human trafficking and forced labour;

(c) The Anti-Trafficking in Persons Act, 2008, includes the following key elements: (1) heavier penalties on all persons involved in human trafficking; (2) compensation, which victims may claim from the offender for any damages caused by human trafficking; (3) shelter and other necessities including physical, psychosocial, legal, educational and health care provided to victims; and (4) protection for both men and women and boys and girls regardless of their nationalities.

39. The Royal Thai Government has stepped up cooperation on labour and anti-human trafficking issues through bilateral and multilateral agreements with countries in the Mekong subregion. Memorandums of understanding with neighbouring countries have been concluded to manage the flow of illegal migrants. Efforts have been intensified to curb human trafficking through the implementation of relevant laws. Awareness of migrant workers' rights under these laws has been raised among law enforcement officers and employers.

40. The National Operation Centre on Prevention and Suppression of Human Trafficking was set up under the Ministry of Social Development and Human Security to ensure the efficiency of law enforcement. Furthermore, the Operational Guideline on the Prevention, Suppression, Assistance and Protection of Trafficked Persons for Labour Purposes has been developed to enhance the capacity of line officials in dealing with labour exploitation of trafficked persons. Compensation for victims of exploitation has already been secured in some cases.

Ethnic groups

41. With regard to ethnic groups:

(a) The Civil Registration Act, 2008, provides all children born in Thailand with the right to birth registration, including children of displaced persons. This would further result in their entitlement to basic health services and education, and

their obtaining permission for temporary residence in the country without illegal status;

(b) The Nationality Act, 2008, stipulates that in granting Thai nationality to a person, consideration must be given both to the interests of national security and to human rights, which marks the first time that the human rights dimension has been taken into account in this respect. Under the Act, more ethnic persons born in Thailand could acquire citizenship. Outreach efforts have been undertaken to promote awareness regarding the right to birth registration and the right to citizenship of the highland minorities. Since the law has taken effect, thousands of individuals have gone through the process;

(c) The Cabinet Resolution on Education for Unregistered Persons of 5 July 2005 provides for the right to education at all levels for all children without legal status in Thailand. Accordingly, such children can enrol at public schools certified by the Ministry of Education. Outreach campaigns to raise awareness about the right of unregistered children to education are going on among officials concerned in targeted areas. The Ministry of Education, under a United Nations Children's Fund Thailand-supported project, is also operating schools in several remote hill tribe areas, based on the notion that if the children are unable to reach the schools, the schools must reach them;

(d) The 2007 Constitution guarantees the right of traditional local communities, such as those in the highlands, to enjoy their own culture and traditions and to preserve their natural resources and local environment. They are also provided with assistance in agriculture and vocational training, education, health-care services, basic infrastructure and alternative employment opportunities through the development projects sponsored by the royal family.

8. Justice: a key to achieving human rights for all

42. Thailand is undergoing an ambitious process of improving the administration of justice, including the judicial process, with a view to ensuring that it is more efficient, transparent and fair to all groups. This will be achieved by: bringing laws up-to-date so that they reflect the current socioeconomic situation and protect individuals' rights; developing working systems and processes that could extensively and equitably deliver justice and the protection of rights and liberty to the people; promoting greater participation of the public in the judicial process; increasing people's access to information concerning the judicial process, with a view to creating transparency and accountability in the use of State power; and eliminating impunity.

43. The Master Plan for the Administration of Justice (2009-2012) and the Strategic Plan for Development of Justice Process in the Southern Border Provinces of Thailand (2010-2014) have already been approved by the Cabinet. These developments will ensure the rule of law, justice, non-discrimination and national reconciliation and also eliminate impunity in the justice system. Any cases of human rights violations will be fully investigated without exception, in accordance with the law. Moreover, the Law Reform Commission has been set up, as required by the 2007 Constitution. The Commission, which is under the Office of the Council of State, acts as an interdisciplinary body to review laws and recommend legal reforms and amendments by taking into account the opinions of all people affected by such laws.

9. Interfaith dialogue: a key to ensuring equal dignity of human beings

44. The right of people to profess a religion, to observe religious precepts and to exercise a form of worship in accordance with their individual beliefs is guaranteed and protected by the Constitution. Based on such freedom and liberty, interfaith dialogue has become an important element of State policy, which has been promoted on several fronts. In Thailand, religious leaders of different faiths meet monthly to discuss issues of common interest and to enhance cooperation and mutual understanding among people of different faiths. The Government promotes such activities with a view to strengthening a harmonious society and deepening understanding, trust and tolerance among people with diverse cultural and religious backgrounds.

45. The southern border provinces of Thailand are home to 1.5 million Muslims, or approximately 20 per cent of the total Muslim population in Thailand. Interfaith dialogue with the Muslim population has been adopted as an important State policy to promote peace and harmony in the southern areas in various fields. Muslim youth from the south are encouraged to visit communities in other parts of the country to learn about the exercise of democratic governance and how people of various faiths, cultures and religions can live in peaceful coexistence. Various seminars and meetings between Muslim religious leaders in the south and State authorities have been held to exchange views and opinions on the basis of mutual understanding and trust.

46. The peace and reconciliation approach based on His Majesty the King's advice to "understand, reach out, develop" has been adopted as a guideline for development in the southern border provinces. The Royal Thai Government has also worked with stakeholders, including legitimate representatives of the people, to ensure transparency, accountability and justice and to foster betterment of the region.

10. Freedom of speech and expression: a tool for checks and balances

47. Significant legislative instruments to promote and protect freedom of speech and expression in Thailand include:

(a) The 2007 Constitution, which guarantees the freedom to express opinions, make speeches, write, print and publicize, and the freedom of assembly and association. It also prohibits the closure or censorship of, or interference with, newspapers or other mass media and bans politicians from owning media outlets;

(b) The Printing Act, 2007, which repealed the Printing Act, 1941, which authorized State officials to control the print media and prohibit its distribution. It also lifted all censorship provisions contained in the previous Act;

(c) The Official Information Act, 1997, which provides people with the right to access official information and enables them to scrutinize the work of Government. The Act constitutes an important channel for increasing people's participation in public affairs and is also a strong tool that can be used to counter corruption and hold the Government accountable.

48. Thailand is an open society with a vibrant community of both local and international media, human rights defenders, and non-governmental organizations (NGOs) in all areas, which actively work to promote human rights not only in Thailand but also in the region. The fact that many regional and international NGOs

and international organizations have chosen Thailand as a regional centre for their activities reflects their recognition of the country's geographical strategic importance in the region and the human rights environment it can offer, which is conducive to their work. It is also a testament to the vibrant and strong democracy of Thailand.

49. Regarding the question of lèse-majesté, this is part of Thailand's Criminal Code and accords protection to the monarchy in much the same way that provisions against libel protect ordinary people. The difference is that because the monarchy is a neutral and highly respected institution, it does not enter into legal proceedings on its own behalf. Indeed, the Constitution does not allow the monarchy to comment or act in its own defence. In all instances, cases would be filed with the police and those charged would be treated in accordance with due process of law. Moreover, the lèse-majesté law was approved by the Parliament, which reflects the democratic will of the Thai people. There have been instances when the lèse-majesté law might have been too liberally interpreted and abused by individuals, leading the Government to emphasize that the law must be enforced with caution. A review process is also under way to study aspects that should be improved and to determine the best way to fairly enforce the lèse-majesté law.

11. Right to development: basic element for the full enjoyment of human rights

50. Thailand attaches importance to the right to development and human security with a view to achieving the Millennium Development Goals. Thailand is on track to meet all of its Millennium Development Goal commitments by or before 2015. The greatest development has been in the areas of hunger and poverty eradication, gender equality and maternal health. National poverty incidence has been reduced steadily as a result of employment promotion and income generation projects.

51. Thailand strives to enhance living standards through development, not only on a national level but also on an international level. By engaging in South-South development cooperation and taking a leading role in subregional and regional cooperation initiatives, Thailand is also contributing towards the achievement of Millennium Development Goal 8, to develop a global partnership for development. During the world food crisis in 2008, Thailand was among the few countries that committed to not intervene in rice export markets so as to help to alleviate the international rice shortage and ensure global food security. This reflects Thailand's concrete contribution to the realization of the right to food.

52. Thailand has continued to strengthen its health system through the enactment of the National Health Security Act, 2002, which guarantees all Thai people the right to access quality health-care services, including HIV/AIDS treatment and prevention under the universal health-care coverage scheme. The maternal mortality rate has declined rapidly in the past decade owing to greater access to health care and related information in remote areas.

53. As Thailand is committed to an additional set of more ambitious targets, called MDG-Plus, the Government's policy of 15 years of free education for all children was successfully implemented in 2009, from the kindergarten level through high schools and vocational colleges, both public and private. This includes budget allocations for school uniforms, textbooks, tuition, school supplies, learning materials and extra-curricular activities. This initiative also promotes equal and fair educational opportunities for disadvantaged people.

54. Thailand has been a strong advocate of the human security perspective in national and international frameworks. Nationally, Thailand established the Ministry of Social Development and Human Security in 2002 to promote social justice and equality, and improve security and the quality of life of the people. Thailand's human security strategies focus mainly on empowering people and communities at the grass-roots level for sustainable development. Internationally, Thailand is a member of both the Human Security Network and the Friends of Human Security, which seek to ensure a balance between freedom from fear and freedom from want.

12. Humanitarianism: Thailand's long-time contribution to the world community

55. Thailand has upheld a humanitarian tradition of hosting millions of refugees and displaced persons from neighbouring countries for over 50 years. The country continues to host more than 130,000 displaced persons in nine temporary shelter areas along its western border and has been working closely with the Office of the United Nations High Commissioner for Refugees and many other humanitarian organizations in providing protection, offering services and finding durable solutions for these displaced persons. Thailand has adhered strictly to international legal norms and humanitarian and human rights principles in applying measures and its immigration laws with respect to those who illegally enter the Kingdom. Due regard is given to their human dignity and to striking a balance between protecting individual rights and maintaining national security.

56. Thailand has provided humanitarian support to international relief and reconstruction efforts after natural catastrophes and crisis situations. Thailand was the first country to respond to the needs of victims of Cyclone Nargis in Myanmar, and was among those countries making financial contributions for emergency needs in the aftermath of the crises in the Gaza Strip. Thailand has sent troops and civilian personnel to join United Nations peacebuilding and humanitarian operations in many different regions, including in Timor-Leste, Aceh, Nepal, Iraq, Iran, the Sudan and Darfur. Thailand's male and female personnel involved in such operations have proactively supported the activities of the United Nations to restore peace and provide development and technical assistance, with a view to promoting sustainable peace and stability in those countries.

13. Regional and international contributions: Thailand's active role in advancing human rights worldwide

Human rights frameworks in the Association of Southeast Asian Nations

57. As chair of ASEAN for 2008-2009, Thailand is committed to the establishment of an ASEAN human rights body. This commitment has led to the formation of the Intergovernmental Commission on Human Rights as the first regional human rights mechanism ever established in Asia. The key purposes of the Intergovernmental Commission are to promote and protect human rights consistent with international standards, uphold the right of the people of ASEAN to live in peace and adhere to the principles of democracy. With its terms of reference adopted by the Foreign Ministers of ASEAN in July 2009 and a first meeting held in October 2009 in Thailand, the Intergovernmental Commission will be able to chart the way forward for ASEAN to begin a new chapter that would advance the cause of human rights in the region and pave the way for a genuine rule-based and people-centred ASEAN community.

58. Thailand is also committed to working with ASEAN countries towards the establishment of the ASEAN Commission on the Promotion and Protection of the Rights of Women and Children and the development of ASEAN mechanisms for the implementation of instruments in the areas of trafficking in persons and migrant workers.

Thailand's cooperation with international human rights mechanisms and forums

59. Thailand has been playing an active part in international human rights forums. Thai mandate holders have served in several human rights treaty bodies and special procedures, including the Committee on the Rights of the Child, the Committee on the Elimination of Discrimination against Women, the Special Rapporteur on the sale of children, child prostitution and child pornography, and the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea. These mandate holders have undoubtedly made valuable contributions to the promotion and protection of human rights worldwide. Thailand has extended good cooperation to international human rights mechanisms. United Nations mandate holders have been able to engage with the competent Thai authorities and a wide range of stakeholders when visiting Thailand.

60. Thailand has played a generous host to some 32 United Nations offices and cooperates closely with the Regional Office for South-East Asia of the Office of the United Nations High Commissioner for Human Rights (OHCHR). The country has always fully supported the activities of OHCHR to protect and promote human rights in Thailand and in the South-East Asian region.

61. Representatives of civil society and international human rights organizations, such as Amnesty International, Human Rights Watch and the International Federation for Human Rights, are regular visitors to Thailand, while many have chosen Thailand to be their regional headquarters. Thailand also hosts the regional delegation of the International Committee of the Red Cross (ICRC) and enjoys good cooperation with ICRC on international humanitarian law and humanitarian issues.

62. In recent years, Thailand has hosted numerous international and regional meetings on human rights and human security, such as the annual Workshop on Regional Cooperation for the Promotion and Protection of Human Rights in the Asia-Pacific Region in 2001; the intersessional workshop on the development of national plans of action for the promotion and protection of human rights in the Asia-Pacific region in 2004; the Human Security Network Ministerial Meeting in 2004; the Helsinki Process Workshop on Anti-Human Trafficking in 2007; the Regional Workshop on Criminal Justice Responses to Trafficking in Persons: "Ending Impunity for Traffickers and Securing Justice for Victims" in 2007; the Asia-Pacific Meeting on Armed Violence and Development in 2008; the meeting of the Intergovernmental Group of Experts to review and update the Model Strategies and Practical Measures on the Elimination of Violence against Women in the Field of Crime Prevention and Criminal Justice in 2008; the Asia-Pacific Community-Based Rehabilitation Congress for persons with disabilities in 2009; and the Asia Regional Consultation on the Activities of Private Military and Security Companies: Regulation and Monitoring in 2009.

Human Rights Council

63. Although Thailand is not yet a member of the Human Rights Council, the country has supported the work of the Council since its inception. Thailand's statements and interventions from the first through the twelfth session of the Council reflect its commitment to the work of the Council and its full cooperation in the strengthening of the Council's institution-building process. Thailand has played an active role in the interactive dialogues held with the High Commissioner for Human Rights and mandate holders. Thailand is strongly determined to be able to make greater contributions to the work of the Council in fulfilling its mandate and functions as stipulated in resolution 60/251 of the General Assembly on its establishment.

64. Thailand is committed to continuing to work closely and constructively with other countries, both members and non-members, to make the Human Rights Council an effective human rights institution based on the principles of impartiality, transparency, constructive international dialogue and cooperation. Thailand also supports the functioning of the universal periodic review, under which all countries are subject to a review without exception. It is Thailand's hope that the mechanism not only plays a stocktaking role in the human rights policy of the country under review, but also to facilitate improvements in and implementation of human rights policies and legal mechanisms in areas that fall short of international human rights standards. Thailand will be under review in 2011 and is ready to engage in the examination process in an open and constructive spirit.

C. Why Thailand?

65. Thailand is seeking an opportunity to be a first-time member of the Human Rights Council, based on the principle of real inclusiveness of the Council and its consistent contributions to the cause of human rights at all levels. Nationally, Thailand recognizes its problems and is strongly determined to fix them. Regionally, Thailand has played an active role in promoting and protecting human rights, which has led to the establishment of the first regional human rights body in Asia. Internationally, Thailand has been a constructive force in promoting moderation and fostering a spirit of cooperation. The country is working with all sides in partnership and on the basis of the interest of all citizens around the world in receiving protection from all forms of human rights violations. Thailand strongly believes that through its contributions, efforts and determination, as reflected in its concrete commitments and pledges towards the advancement of human rights, the country can be a meaningful member of, and an effective partner in, the Human Rights Council.